

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOHAMMED ALMUTTAN,

Defendant.

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No. 4:17-CR-234-RLW

FILED UNDER SEAL

JOINT MOTION TO EXTEND SELF-SURRENDER DATE

Defendant Mohammed Almuttan (“Almuttan”), by and through undersigned counsel, and the United States, by and through undersigned counsel, jointly and respectfully request that this Court briefly extend Almuttans self-surrender date by 60 days. As it stands, Almuttan is required to report to a specific Bureau of Prisons facility on January 5, 2023. (Doc. 2445).

This joint motion is being filed for several reasons. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] And finally, Almuttan is preparing to file an unopposed motion for bail pending appeal with the Eighth Circuit Court of Appeals which, if granted, would permit Almuttan to remain on bail while his appeal is litigated.

It would be a great injustice if Almuttan were required to begin serving time in a federal prison on January 5, 2023. [REDACTED]

[REDACTED]

Additionally, requiring Almuttan to report, as scheduled, to the Bureau of Prisons prior to [REDACTED] the Eighth Circuit's decision concerning his unopposed motion for bail pending appeal would be contrary to the interest of justice.

Counsel for the United States has confirmed that the United States joins in this motion for extension of Almuttan's self-surrender date.

I. Relevant Background

On May 24, 2017, Almuttan was charged in an indictment in Counts 1, 2, 3, 4, 14 and 34. (Doc. 1). On April 7, 2022, Almuttan pled guilty to Count 1. (Doc. 1947). At the plea hearing, the Government moved orally to dismiss Counts 2, 3, 4, 14 and 34. (*See* Doc. 1946). This Court dismissed each of those counts. (*See id.*).

On October 3, 2022, this Court held a sentencing hearing for Almuttan. (*See* Doc. 2291). At the hearing, this Court sentenced Almuttan to 48 months' imprisonment and reiterated its dismissal of Counts 2, 3, 4, 14 and 34. (Doc. 2296). This Court also granted Almuttan's request to self-surrender to the Bureau of Prisons.

On October 17, 2022, Almuttan timely filed his notice of appeal. On October 24, 2022, Almuttan was notified that he was required to report to a specific Bureau of Prisons facility by November 21, 2022. (Doc. 2350).

On November 2, 2022, Almuttan filed an unopposed motion for bail pending appeal (Doc. 2391), a sealed supplement (Doc. 2432), and an unopposed motion to extend his self-surrender

date (Doc. 2433). On November 10, 2022, this Court granted Almuttan's unopposed motion to extend his self-surrender date to January 5, 2023. (Doc. 2441). On December 5, 2022, this Court denied Almuttan's motion for bail pending appeal. (Doc. 2480).

II. Discussion

Almattan respectfully requests that this Court briefly extend his self-surrender date by 60 days. This motion is being filed for several reasons.

[illegible]

Third, Almuttan is preparing to file an unopposed motion for bail pending appeal with the Eighth Circuit Court of Appeals which, if granted, would permit Almuttan to remain on bail while his appeal is litigated. It would be a great injustice if Almuttan is required to serve time in a federal prison for a sentence that might reasonably be [REDACTED] overturned on appeal. And

even if Almuttan were ultimately required to serve a sentence, the Government will not be prejudiced as Almuttan will simply be ordered to begin serving his sentence at a later date. Indeed, the Government has expressly represented that it joins in Almuttan's motion to extend his self-surrender date and does not object to his motion for bail pending appeal.

Additionally, if Almuttan is required to report to the Bureau of Prisons by January 5, 2023 and [REDACTED] the Eighth Circuit ultimately grants Almuttan's motion for bail, it will cause both Almuttan substantial prejudice and the Bureau of Prisons substantial inconvenience. Granting a brief extension of Almuttan's self-surrender date will avoid the prejudice and inconvenience associated with requiring Almuttan to report to the Bureau of Prisons but then be, soon thereafter, released.¹ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III. Conclusion

Based on the foregoing, Almuttan respectfully requests, jointly with the United States, that this Court briefly extend his self-surrender date by 60 days, and for such other and further relief as this Court deems just and proper under the circumstances.

¹ This Court has already correctly concluded Almuttan is neither a risk of flight nor a danger to the community. (*See* Docs. 118 and 126). Furthermore, that Almuttan has remained on bond during the pendency of this case before the district court for more than 5 years and was permitted to self-surrender following imposition of his sentence corroborates this Court's findings. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Respectfully submitted,

/s/ Ian T. Murphy

JUSTIN K. GELFAND, #62265

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Certificate of Service

I hereby certify that I filed the foregoing through the Court's CM/ECF system. I further certify that a copy of the foregoing was emailed to counsel for the United States.

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